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Having considered Charles Bregenzer's Motion to Consolidate the Related Actions Pursuant to Rule 42 of the Federal Rules of Civil Procedure, *Manual for Complex Litigation (Third)* §§21.12, 21.21 and 33.3 (1997) and Civil L.R. 3-12, the Court hereby ORDERS, as follows:

CONSOLIDATION OF RELATED CASES

The following actions are consolidated for all purposes, including, but not limited to, discovery, pretrial and trial proceedings, pursuant to Fed. R. Civ. P. 42(a):

Abbreviated Case Name	Case Number	Date Filed
Leone v. Moore, Jr.	С 07-4073-РЈН	August 8, 2007
Rosenbaum Capital LLC v. Luminent Mortgage Capital, Inc.	С 07-4096-РЈН	August 9, 2007
Ira v. Luminent Mortgage Capital, Inc.	С 07-4140-РЈН	August 10, 2007
Greenberg v. Luminent Mortgage Capital, Inc.	C 07-4141-PJH	August 13, 2007
PEM Resources LP v. Luminent Mortgage Capital, Inc.	С 07-4184-РЈН	August 15, 2007
Metzger v. Luminent Mortgage Capital, Inc.	С 07-4686-РЈН	September 11, 2007

The consolidated action shall be captioned *In re Luminent Mortgage Capital*, *Inc. Securities Litigation*, Civil Action No. C 07-4073, and the files of this action shall be maintained in one file under Master File No. C 07-4073.

- 1. Any other related actions now pending or subsequently filed in, or transferred to, this District shall be consolidated into this action for all purposes. This Order shall apply to every such related action, absent order of the Court. A party that objects to such consolidation, or to any other provision of this Order, must file an application for relief from this Order within 14 days after the date on which a copy of the Order is mailed to the party's counsel, pursuant to ¶7, *infra*.
- 2. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

MASTER DOCKET AND CAPTION

- 3. The docket in Civil Action No. C 07-4073 shall constitute the Master Docket for this action.
 - 4. Every pleading filed in the consolidated action shall bear the following caption:

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re LUMINENT MORTGAGE CAPITAL, INC. SECURITIES LITIGATION) Master File No. C 07-4073-PJH) CLASS ACTION)
This Document Relates To:	_

- 5. The file in Civil Action No. C 07-4073-PJH shall constitute the Master File for every action in the consolidated action. When the document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the phrase "This Document Relates To:" in the caption set out above. When a pleading applies only to some, but not all, of the actions, the document shall list, immediately after the phrase "This Documents Relates To:," the docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said action.
- 6. The parties shall file a Notice of Related Cases pursuant to Civil L.R. 3-12 whenever a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the clerk shall:
 - (a) place a copy of this Order in the separate file for such action;
 - (b) serve on plaintiff's counsel in the new case a copy of this Order;
 - direct that this Order be served upon defendants in the new case; and (c)
 - (d) make the appropriate entry in the Master Docket.

LEAD PLAINTIFF'S COUNSEL

7. After the Court has designated a lead plaintiff and approved lead counsel pursuant to 15 U.S.C. §78u-4(a)(3)(B), lead plaintiff's counsel shall have authority to speak for and enter into agreements on behalf of plaintiffs in all matters regarding pretrial procedures, discovery and settlement negotiations. Lead plaintiff's counsel shall manage the prosecution of this litigation to avoid duplicative or unproductive activities. Lead plaintiff's counsel shall be responsible for coordination of all activities and appearances on behalf of plaintiffs and for dissemination of notices and orders. Lead plaintiff's counsel shall be responsible for communications with the Court.

1	8. Lead plaintiff's counsel shall communicate with other plaintiffs' counsel and have the				
2	right to assign projects to other plaintiffs' counsel.				
3	9. Defendants' counsel may rely upon agreements made with lead plaintiff's counsel.				
4	Such agreements shall be binding on all plaintiffs.				
5	PLEADINGS AND MOTIONS				
6	10. Defendants are not required to respond to the complaint in any action consolidated				
7	into this action, other than a consolidated complaint or a complaint designated as the operative				
8	complaint.				
9	11. Lead plaintiff shall file a consolidated complaint within 60 days after the filing of the				
10	order designating the lead plaintiff, unless otherwise agreed upon by the parties. The consolidated				
11	complaint shall be the operative complaint and shall supersede all complaints filed in any of the				
12	actions consolidated herein.				
13	12. Defendants shall respond to the consolidated complaint within 45 days after service.				
14	unless otherwise agreed upon by the parties. If defendants file any motions directed at the				
15	consolidated complaint, the opposition brief shall be filed within 45 days of filing that motion and				
16	the reply brief shall be filed within 21 days of the filing of the opposition brief, unless otherwise				
17	agreed upon by the parties.				
18	* * *				
19	ORDER				
20	IT IS SO ORDERED.				
21	DATED: THE HONORABLE PHYLLIS J. HAMILTON				
22	UNITED STATES DISTRICT JUDGE				
23	Submitted by:				
24	COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP				
25	DARREN J. ROBBINS TRICIA L. McCORMICK				
2627	s/ TRICIA L. McCORMICK TRICIA L. McCORMICK				
28	655 West Broadway, Suite 1900				
	[PROPOSED] ORDER GRANTING MOTION FOR CONSOLIDATION OF THE RELATED ACTIONS - C-07-4073-PJH - 3 -				

1	San Diego, CA 92101 Telephone: 619/231-1058
2 619/231-7423 (fax)	619/231-7423 (fax)
3	COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP
4	DENNIS J. HERMAN 100 Pine Street, Suite 2600
5	San Francisco, CA 94111 Telephone: 415/288-4545
6	415/288-4534 (fax)
7	[Proposed] Lead Counsel for Plaintiff
8	S:\CasesSD\Luminent\ORD00046195_Consol.doc
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[PROPOSED] ORDER GRANTING MOTION FOR CONSOLIDATION OF THE RELATED ACTIONS - C-07-4073-PJH

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 9, 2007.

s/ TRICIA L. McCORMICK
TRICIA L. McCORMICK

COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP 655 West Broadway, Suite 1900 San Diego, CA 92101-3301 Telephone: 619/231-1058 619/231-7423 (fax)

E-mail: <u>triciam@csgrr.com</u>

CAND-ECF Page 1 of 1 Page 7 of 7

Case 3:07-cv-04073-PJH Document 43-2 Filed 10/09/2007

Mailing Information for a Case 3:07-cv-04073-PJH

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- Nadeem Faruqi nfaruqi@faruqilaw.com
- Nicole Catherine Lavallee nlavallee@bermanesq.com,ysoboleva@bermanesq.com
- Michael Andrew McShane mmcshane@audetlaw.com
- Adel A. Nadji anadji@audetlaw.com,hweinberg@audetlaw.com
- Shane Rowley srowley@faruqilaw.com
- Michael Lane Rugen Michael.Rugen@hellerehrman.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Mark C. Gardy

Gardy & Notis, LLP 440 Sylvan Avenue Suite 110 Englewood Cliffs, NJ 07632

Richard Schwartz

Faruqi & Faruqi, LLP 369 Lexington Avenue 10th Floor New York, NY 10017-6531